

DOCKET NO: 248040US0CONT



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
HIDEYUKI TAKAHASHI, ET AL. : EXAMINER: PEZZUTO, H. L.  
SERIAL NO: 10/766,940 :  
FILED: JANUARY 30, 2004 : GROUP ART UNIT: 1713  
FOR: STAIN-PROOFING AGENTS, :  
COATING COMPOSITIONS  
COMPRISING THE STAIN-PROOFING  
AGENTS AND COATED ARTICLES

RESPONSE

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

Responsive to the Office Action dated July 14, 2005, Applicants respectfully respond as follows.

The Examiner finds that the reply, filed April 22, 2005, to the Office Action dated March 23, 2005, is not fully responsive because the amended claims are drawn to a non-elected invention. Applicants respectfully traverse the Examiner's finding.

Original Claims 1-3 were drawn to a "stain-proofing agent comprising a polymer . . . ." Indeed, the Restriction Requirement entered November 10, 2004 characterized the invention of original Claims 1-3 in the same terms. Applicants elected these claims, i.e., claims drawn to a stain-proofing agent, with traverse.

The Examiner's characterization of the elected invention as directed to a polymer (and not a "stain-proofing agent") is erroneous. While original Claims 1-3 recited a polymer as the only component, the text of the claims makes it clear that Applicants did not intend to

limit the claimed subject matter to the polymer *per se*, and that the possibility of further amendment, such as by adding additional stain-proofing agent components, was clearly foreseeable.

Applicants thank the Examiner for the courtesy extended to Applicants' attorney during the discussion held July 19, 2005, in the above-identified application, during which the above argument was set forth. While no agreement was reached, the Examiner is seriously urged to reconsider the present Office Action. Upon such reconsideration, Applicants request that this Office Action be vacated, and that the elected invention, if not the entire invention, be examined.

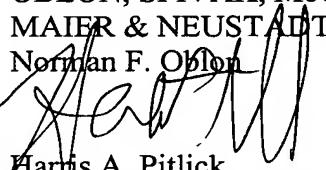
Respectfully submitted,

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